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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,499	10/13/2000	Christopher C. Winslade	0020	1146

7590 04/26/2004

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2135 N. Clifton Avenue  
Chicago, IL 60614

EXAMINER
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YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/687,499

Applicant(s)

WINSLADE ET AL.

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

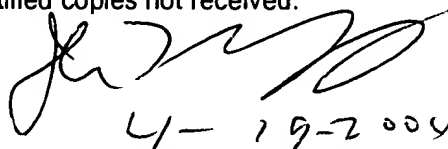
- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

  
4-19-2004

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**NON-FINAL REJECTION AFTER RECINDED ABANDONMENT  
(Paper#10)**

**DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

**ABSTRACT OBJECTION—37 CFR 1.72(b)**

2. **Objection Withdrawn.**

**CLAIM REJECTIONS — 35 U.S.C. §103( a )**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-32 are rejected under 35 U.S.C. §103( a ) as being obvious over Nichtberger US 4,882,675 (11/21/1989) (herein referred to as "Nichtberger").

As per independent claim 1, Nichtberger (col. 3, ll. 18-25) discloses: *“a system in which a customer selects coupons at home or upon entering a particular store and redeems the coupons upon completion of shopping in that store or later. . . .”*

Nichtberger (col. 3, ll. 23-31) discloses: *“a system wherein coupon selections by a customer who has properly identified himself are recorded electronically, are later matched electronically with the customer's purchases, and are electronically credited against the customer's bill and entered in the store's accounting system and in a central system that advises and bills the manufacturer. . . .”*

Nichtberger (col. 3, ll. 31-35) discloses: *“a coupon distribution and redemption system which is compatible, with, or integrated into, an electronic cash register system or an automated checkout (UPC code scanning) system. . . .”*

Nichtberger (the ABSTRACT; col. 4, ll. 30-67; col. 5, ll. 1-45; col. 2, ll. 45-60; col. 23, ll. 2-10; col. 24, ll. 1-5; FIG. 1; and whole document) discloses *“coupons are distributed and redeemed immediately and electronically. An electronic display of coupons valid for use in a particular store is presented to customers. When a customer makes a selection of coupons from the display, the selection is recorded. The customer is subsequently identified at a store checkout station as the one who made the selection. In a preferred embodiment, the identification is made by scanning a special card adapted for use with the system. . . . Redeemed coupons are periodically cleared electronically.”* The Examiner interprets the above disclosures as showing: “A method of processing a coupon of a first party, the first party having a first system, the method comprising: offering, by a second system of a second party, an item online for sale at a sales price amount; associating the coupon of the first party with the item, the

coupon having a coupon amount; receiving, by the second system, an online purchase request from a buyer for the item being offered online; responding, by the second system, an online purchase request from a buyer for the item being offered online; responding, by the second system, to the online purchase request by collecting from the buyer a purchase amount corresponding to the sales price amount less the coupon amount for the item; and electronically communicating, by the second system to the first system, an indication regarding the collection from the buyer of the purchase amount.”

Nichtberger lacks an explicit recitation of a “first system” and a “second system” even though the disclosure of Nichtberger (col. 3, ll. 18-40; and FIG. 1) reasonably shows same.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the above cited disclosure of Nichtberger would have been selected in accordance with the elements and limitations of claim 1 because selection of such features would have provided means for a “*PAPERLESS SYSTEM FOR DISTRIBUTING, REDEEMING AND CLEARING MERCHANDISE COUPONS*” and means for “*PAPERLESS COUPON REDEMPTION*” (see the Nichtberger title and ABSTRACT), as well as, providing “[a] coupon distribution and redemption system . . . characterized by increased impulse sales to new product users, and increased retailer willingness to aggressively merchandise products promoted by the system. . . .” (See Nichtberger (col. 3, ll. 40-55)) and because claim 1 suffers from undue breadth.

As per dependent claims 2-13, Nichtberger (the ABSTRACT; col. 3, ll. 18-40; FIG. 1; col. 4, ll. 30-67; col. 5, ll. 1-45; col. 2, ll. 45-60; col. 23, ll. 2-10; col. 24, ll. 1-5; col. 17, ll. 35-

40; col. 2, ll. 45-60; and whole document) shows the method of claim 1 and subsequent base claims depending from claim 1.

Nichtberger lacks explicit recitation of the elements and limitations of claims 2-13, even though the disclosure of Nichtberger shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-13 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 2-7, because selection of such features would have provided means for a “*PAPERLESS SYSTEM FOR DISTRIBUTING, REDEEMING AND CLEARING MERCHANDISE COUPONS*” and means for “*PAPERLESS COUPON REDEMPTION*” (see the Nichtberger title and ABSTRACT), as well as, providing “[a] coupon distribution and redemption system . . . characterized by increased impulse sales to new product users, and increased retailer willingness to aggressively merchandise products promoted by the system. . . .” (See Nichtberger (col. 3, ll. 40-55)).

Independent claim 14 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 15-20, Nichtberger (the ABSTRACT; col. 3, ll. 18-40; FIG. 1; col. 4, ll. 30-67; col. 5, ll. 1-45; col. 2, ll. 45-60; col. 23, ll. 2-10; col. 24, ll. 1-5; col. 17, ll. 35-40; col. 2, ll. 45-60; and whole document) shows the method of claim 14 and subsequent base claims depending from claim 14.

Nichtberger lacks explicit recitation of the elements and limitations of claims 15-20, even though the disclosure of Nichtberger shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 15-20 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 15-20, because selection of such features would have provided means for a “*PAPERLESS SYSTEM FOR DISTRIBUTING, REDEEMING AND CLEARING MERCHANDISE COUPONS*” and means for “*PAPERLESS COUPON REDEMPTION*” (see the Nichtberger title and ABSTRACT), as well as, providing “[a] coupon distribution and redemption system . . . characterized by increased impulse sales to new product users, and increased retailer willingness to aggressively merchandise products promoted by the system. . . .” (See Nichtberger (col. 3, ll. 40-55)).

Independent claim 21 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 22-26, Nichtberger (the ABSTRACT; col. 3, ll. 18-40; FIG. 1; col. 4, ll. 30-67; col. 5, ll. 1-45; col. 2, ll. 45-60; col. 23, ll. 2-10; col. 24, ll. 1-5; col. 17, ll. 35-40; col. 2, ll. 45-60; and whole document) shows the method of claim 21 and subsequent base claims depending from claim 21.

Nichtberger lacks explicit recitation of the elements and limitations of claims 22-26, even though the disclosure of Nichtberger shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 22-26 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 22-26, because selection of such features would have provided means for a *"PAPERLESS SYSTEM FOR DISTRIBUTING, REDEEMING AND CLEARING MERCHANDISE COUPONS"* and means for *"PAPERLESS COUPON REDEMPTION"* (see the Nichtberger title and ABSTRACT), as well as, providing "[a] coupon distribution and redemption system . . . characterized by increased impulse sales to new product users, and increased retailer willingness to aggressively merchandise products promoted by the system. . . ." (See Nichtberger (col. 3, ll. 40-55)).

As per independent claim 27, Nichtberger (col. 3, ll. 18-25) discloses: *"a system in which a customer selects coupons at home or upon entering a particular store and redeems the coupons upon completion of shopping in that store or later. . . ."*

Nichtberger (col. 3, ll. 23-31) discloses: *"a system wherein coupon selections by a customer who has properly identified himself are recorded electronically, are later matched electronically with the customer's purchases, and are electronically credited against the customer's bill and entered in the store's accounting system and in a central system that advises and bills the manufacturer. . . ."*

Nichtberger (col. 3, ll. 31-35) discloses: *"a coupon distribution and redemption system which is compatible, with, or integrated into, an electronic cash register system or an automated checkout (UPC code scanning) system. . . ."*



Nichtberger (the ABSTRACT; col. 4, ll. 30-67; col. 5, ll. 1-45; col. 2, ll. 45-60; col. 23, ll. 2-10; col. 24, ll. 1-5; FIG. 1; and whole document) discloses *“coupons are distributed and redeemed immediately and electronically. An electronic display of coupons valid for use in a particular store is presented to customers. When a customer makes a selection of coupons from the display, the selection is recorded. The customer is subsequently identified at a store checkout station as the one who made the selection. In a preferred embodiment, the identification is made by scanning a special card adapted for use with the system. . . . Redeemed coupons are periodically cleared electronically.”* The Examiner interprets the above disclosures as showing: “A method of processing a coupon of a first party, the first party having a first system, the method comprising: offering, by a second system of a second party, an item online for sale at a sales price amount; associating the coupon of the first party with the item, the coupon having a coupon amount; receiving, by the second system, an online purchase request from a buyer for the item being offered online; responding, by the second system, an online purchase request from a buyer for the item being offered online; responding, by the second system, to the online purchase request by collecting from the buyer a purchase amount corresponding to the sales price amount less the coupon amount for the item; and electronically communicating, by the second system to the first system, an indication regarding the collection from the buyer of the purchase amount.”

Nichtberger lacks an explicit recitation of “a sales system of a first party even though the disclosure of Nichtberger (col. 3, ll. 18-40; and FIG. 1) reasonably shows same.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the above cited disclosure of Nichtberger would have been selected in accordance with the

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elements and limitations of claim 27 because selection of such features would have provided means for a “*PAPERLESS SYSTEM FOR DISTRIBUTING, REDEEMING AND CLEARING MERCHANDISE COUPONS*” and means for “*PAPERLESS COUPON REDEMPTION*” (see the Nichtberger title and ABSTRACT), as well as, providing “[a] coupon distribution and redemption system . . . characterized by increased impulse sales to new product users, and increased retailer willingness to aggressively merchandise products promoted by the system. . . .” (See Nichtberger (col. 3, ll. 40-55)) and because claim 27 suffers from undue breadth.

As per dependent claims 28-32, Nichtberger (the ABSTRACT; col. 3, ll. 18-40; FIG. 1; col. 4, ll. 30-67; col. 5, ll. 1-45; col. 2, ll. 45-60; col. 23, ll. 2-10; col. 24, ll. 1-5; col. 17, ll. 35-40; col. 2, ll. 45-60; and whole document) shows the method of claim 27 and subsequent base claims depending from claim 27.

Nichtberger lacks explicit recitation of the elements and limitations of claims 28-32, even though the disclosure of Nichtberger shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 28-32 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 28-32, because selection of such features would have provided means for a “*PAPERLESS SYSTEM FOR DISTRIBUTING, REDEEMING AND CLEARING MERCHANDISE COUPONS*” and means for “*PAPERLESS COUPON REDEMPTION*” (see the Nichtberger title and ABSTRACT), as well as, providing “[a] coupon distribution and redemption system . . . characterized by increased impulse sales to

new product users, and increased retailer willingness to aggressively merchandise products promoted by the system. . . ." (See Nichtberger (col. 3, ll. 40-55)).

### **RESPONSE TO ARGUMENTS**

4. Applicant's arguments (Amendment B, paper#7, filed 12/22/2003) concerning the rejections in the prior Office Action have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection herein presented by the Examiner.

### **CONCLUSION**

5. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:  
(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL) or  
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**JOHN LEONARD YOUNG, ESQ.**  
**PRIMARY EXAMINER**

John L. Young

Primary Patent Examiner

April 19, 2004